



JON S. CORZINE
GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
SEPTEMBER 20, 2006**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E. L. Howard
Robert Long**

WITHDRAWAL OF APPEALS

RECOMMENDATION: The following appeals be removed from the hearing calendar and considered closed.

Frederick Barriskell, Senior Correction Officer, Juvenile Justice, Juvenile Justice Commission, suspension.

Sylvia Brenner, Senior Community Service Aide, City of Hoboken, layoff.

Kevin Concon, Heating and Air Conditioning Mechanic, County of Essex, layoff.

William Curtis, Senior Parole Officer, New Jersey State Parole Board, suspension.

Paul Ebert, Judiciary Clerk 3, Judiciary, Middlesex Vicinage, release at the end of the working test period.

John D. Ferriola, Senior Correction Officer, East Jersey State Prison, Department of Corrections, removal.

David Herbert, Fire Protection Subcode Official, Sayreville Borough, removal.

Michael S. Kahn, Police Officer, City of Ventnor, removal.

Edward McGuire, Police Officer, City of Union, removal.

Michael Romanishin, Sheriff's Officer, County of Cumberland, removal and release at the end of the working test period.

Wilford Smith, Director of Custody Operations, New Jersey State Prison, Department of Corrections, suspension.

Dawn Stevenson, Judiciary Clerk 2, Judiciary, Atlantic Vicinage, suspension.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

RECOMMENDATION: The following cases be dismissed without prejudice.

The following appellants failed to appear at the scheduled hearing before the Office of Administrative Law and have not submitted an explanation for their failure to appear:

Gregory T. Brown, Judiciary Clerk 3, Judiciary, Union Vicinage, release at the end of the working test period.

Charles Freeman, Substance Abuse Assistant, Juvenile Justice Commission, suspension.

Anthony Irvin, Custodial Worker, Newark School District, suspension.

Dorothy Kirkland, Human Services Assistant, Vineland Developmental Center, resignation not in good standing.

Renee McDuffy, Customer Service Representative 4, Motor Vehicle Commission, release at the end of the working test period.

Charles Onwuzurwuike, Senior Security Guard, Newark School District, suspension.

Jesus Quiles, Supervisor, Water, City of Trenton, removal.

Michael Randolph, Human Services Assistant, new Lisbon Developmental Center, Department of Human Services, removal.

Wayne Rossiter, Groundskeeper/Driver, Hudson County, suspension.

Leroy Smith, Senior Building Maintenance Worker, Stockton State College, suspension.

Donald Storey, Senior Juvenile Detention Officer, Burlington County, suspension.

Stephen Wagner, Building Superintendent, Sussex County, release at the end of the working test period.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of William Bibbs
County of Union
Runnells Hospital
Removal

In the Matter of Crystal Collins
Vineland Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of Darnell Esdaile
Borough of Freehold
Police Department
Suspension

In the Matter of Julius Harris
Vineland Development Center
Department of Human Services
Removal

In the Matter of Samiya Heyward
County of Hudson
Department of Corrections
Removal

In the Matter of Shau-Ying Liu
County of Morris
Department of Human Services
Demotion

In the Matter of Erik Smith
South Woods State Prison
Department of Corrections
Removal

In the Matter of Hairo Solis
County of Hudson
Department of Corrections
Suspension

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT

ACTION:

A-2 LUZETTA GOLDEN

Luzetta Golden, County Correction Sergeant, County of Burlington, County Jail, demotion to the position of County Correction Officer effective January 5, 2003, on charges of incompetency, inefficiency or failure to perform duties, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the demotion to the position of County Correction Officer.

ACTION:

A-3 MICHAEL SWANHART

Michael Swanhart, Senior Correction Officer, Central Medical/Transportation Division, Department of Corrections, removal effective May 8, 2004, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-4 ENRIQUE TORRES

Enrique Torres, Police Officer, City of Passaic, Police Department, removal effective January 12, 2005, on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-5 JACQUELINE WALTERS

Jacqueline Walters, Hospital Attendant, County of Bergen, Health Department, removal effective October 20, 2004, on charges of conduct unbecoming a public employee and ineffectiveness.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-6 SANDRA WILLIAMS

Sandra Williams, Correction Officer Recruit, Northern State Prison, Department of Corrections, removal effective October 4, 2004 on charges of conduct unbecoming a public employee and violation of rules regarding the policy prohibiting racial and/or sexual harassment, discrimination and/or retaliation.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-7 ELIZABETH CRESPO

Elizabeth Crespo, Police Officer, Passaic County, removal and resignation in good standing effective November 22, 2004, on the charge of other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the charges and the resignation in good standing.

ACTION:

A-8 WILLIAM GREENE

William Greene, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal effective November 8, 2004, on the charge of physical abuse of a client. This matter was held over from the June 19, 2006 Merit System Board meeting.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 GABRIEL GASIOR

Gabriel Gasior appeals the removal of his name from the (S9999F) eligible list for the title of Sheriff's Officer, County of Hudson on the basis of psychological unfitness.

ACTION:

B-2 JOHN E. VENCE

John E. Vence, represented by Glenn C. Slavin, Esq., appeals his rejection as a Fire Fighter candidate by the City of Elizabeth and its request to remove his name from the eligible list for Fire Fighter (M2273A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-3 KELLY VINCI

Kelly Vinci appeals the removal of her name from the (S9999F) eligible list for the title of Sheriff's Officer, County of Hudson on the basis of psychological unfitness.

ACTION:

B-4 KENYATTA COLLINS

Kenyatta Collins, a former Family Service Specialist 2 with the Department of Children and Families, represented by Ann Madden Tufano, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 CHERYL HOFFMAN

Cheryl Hoffman, a Senior Correction Officer at New Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 MARTIN NATALE

Martin Natale, a Senior Correction Officer at New Jersey State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 HELENA PHILLIPS

Helena Phillips, a Practical Nurse at Greystone Park Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-8 LAMONT WILLIAMS

Lamont Williams, a Storekeeper 2 at Garden State Reception and Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

This matter was held over from the September 6, 2006 Merit System Board meeting.

ACTION:

B-9 DAVID BENAKSAS

David Benaksas, a County Correction Officer with Essex County, represented by Timothy R. Smith, Esq., petitions the Merit System Board for a stay of his removal pending the outcome of his hearing at the Office of Administrative Law.

ACTION:

B-10 VALERIE BROWN

Valerie Brown, a County Correction Officer with Hudson County, represented by Thomas J. Cammarata, Esq., petitions the Merit System Board for interim relief of her immediate suspension.

ACTION:

B-11 CHARLES TERRY HOUSEL

Charles Terry Housel, a Teacher 1 (12 months) with the Juvenile Justice Commission, Department of Law and Public Safety, appeals the determination of the Director of the Office of Workplace Policy Administration and Enforcement which indicated that appropriate action had been taken to address a complaint under the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace after an incident involving the appellant.

ACTION:

B-12 WAYNE BROWN

Wayne Brown, a Laborer with the City of Paterson Housing Authority, represented by Leonard C. Schiro, Esq., petitions the Merit System Board for reconsideration of the administrative determination, rendered May 25, 2006, by the Director of Merit System Practices and Labor Relations, denying his request for a hearing concerning the appeal of his removal, effective May 24, 2005, due to the untimely filing of his appeal pursuant to *N.J.S.A. 11A:2-15* and *N.J.A.C. 4A:2-2.8*.

ACTION:

B-13 JONATHAN REED

Jonathan Reed, a former County Correction Officer with Camden County, represented by Stuart J. Alterman, Esq., petitions the Merit System Board for reconsideration of the administrative determination, rendered March 22, 2006, by the Director of Merit System Practices and Labor Relations, denying his request for a hearing concerning the appeal of his removal from employment effective October 13, 2005, due to the untimely filing of his appeal pursuant to *N.J.S.A. 11A:2-15* and *N.J.A.C. 4A:2-2.8*.

ACTION:

B-14 ALVIN SUMTER

Alvin Sumter, a former Parks Attendant with the City of Jersey City, represented by Stephen B. Hunter, Esq., petitions the Merit System Board for reconsideration of the administrative determination, rendered May 25, 2006, by the Director of Merit System Practices and Labor Relations, denying his request for a hearing concerning the appeal of his removal from employment effective December 12, 2005, due to the untimely filing of his appeal.

ACTION:

B-15 VITO CAMMISA

Vito Cammisa, a Project Coordinator, Construction, with the City of Trenton, represented by George T. Dougherty, Esq., seeks the Merit System Board resolution of a dispute concerning back pay and benefits due to him as a result of the modification of his removal to a six-month suspension. *See In the Matter of Vito Cammisa* (MSB, decided November 22, 2005).

ACTION:

B-16 MICHAEL GALANO

Michael Galano, a Police Lieutenant with the City of Jersey City, petitions the Merit System Board for differential back pay for the period from June 26, 2003 to October 14, 2004 as a result of the Board granting him a retroactive date of appointment as a Police Lieutenant effective June 26, 2003 for record purposes.

ACTION:

B-17 PUBLIC HEALTH EPIDEMIOLOGIST (C1274H), COUNTY OF SUSSEX

The County of Sussex requests permission not to make an appointment from the May 5, 2006 certification for Public Health Epidemiologist (C1274H).

ACTION:

B-18 PAUL ANYEJI

The appeal of Paul Anyeji, a Family Service Specialist 1 with the Division of Youth and Family Services, of his removal, effective July 7, 2003, on charges, was heard by Administrative Law Judge Jesse H. Strauss, who rendered his initial decision on May 26, 2006. At its meeting on September 6, 2006, the Merit System Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

ACTION:**B-19 JAMES JOHNSON**

The appeal of James Johnson, an Automotive Mechanic with the Department of Transportation, of his removal effective May 13, 2005, on charges, was heard by Administrative Law Judge Joann LaSala Candido, who rendered her initial decision on July 27, 2006. At its meeting on September 6, 2006, the Merit System Board adopted the ALJ's recommendation to dismiss the charges and reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION:**B-20 WALTER F. KOWALCZYK**

The appeal of Walter Kowalczyk, a Sheriff's Officer with the County of Mercer Sheriff's Office, of his release at the end of his working test period, effective January 14, 2005, was heard by Administrative Law Judge James W. Faison, III, who rendered his initial decision on August 3, 2006. At its meeting on September 6, 2006, the Merit System Board adopted the ALJ's recommendation to grant the appointing authority's motion for summary judgment and uphold the release at the end of the working test period. The proposed final decision is now submitted for the Board's review.

ACTION:

B-21 RANDY SANDIFER

The appeal of Randy Sandifer, a Police Officer with the City of Jersey City, of his 49-day suspension and removal, effective February 4, 2005, on charges, was heard by Administrative Law Judge Robert J. Giordano, who rendered his initial decision on July 31, 2006. At its meeting on September 6, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the appellant's removal to a 60-day suspension. Rather, the Board increased the appellant's penalty to a six-month suspension. The proposed decision is now submitted for the Board's review.

ACTION:

B-22 MARCIA A. COCKING

Marcia A. Cocking appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Supervising Clerk Typist (PC1686G), Salem County.

ACTION:

B-23 PAULA HINES

Paula Hines appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Management Assistant (PS7184K), Commission for the Blind and Visually Impaired, Department of Human Services.

ACTION:

B-24 JOSANNE E. HUBSCHER

Josanne E. Hubscher appeals the determination of the Division Selection Services that she did not meet the experience requirements for the promotional examination for Technician, Management Information Services (PS6670N), Department of Labor.

ACTION:

B-25 REBECCA DICKERSON-JOHNSON AND MARYLOU PETERS

Rebecca Dickerson-Johnson and Marylou Peters appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Social Worker (PC0165H), Burlington County Board of Social Services.

This matter was held over at the September 6, 2006 Merit System Board meeting.

ACTION:

B-26 LISA LEHMAN

Lisa Lehman appeals the determination of the Division of Selection Services which found that she did not meet the minimum requirements in experience for the open competitive examination for Home Instructor, Commission for the Blind and Visually Impaired (S6881H).

ACTION:

B-27 SHREVE MARSHALL

Shreve Marshall appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Supervisor of Operations (PS8990P), Election Law Enforcement Commission.

ACTION:

B-28 DAVID MAZUR

David Mazur appeals the determination for the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Program Development Specialist 1, Medical Assistance and Health Services (S6872G).

ACTION:

B-29 JULIE MCQUARRY

Julie McQuarry appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Social Worker (PC0165H), Burlington County Board of Social Services.

This matter was held over from the September 6, 2006 Merit System Board meeting.

ACTION:

B-30 ANNE M. NEWMAN

Anne M. Newman appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective provisional appointment to the title of Administrative Analyst 2, Motor Vehicle Commission.

ACTION:

B-31 ROBIN NIGHLAND

Robin Nighland appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Program Development Specialist 1, Division of Addiction Services.

ACTION:

B-32 KORIN ROSENKRANS

Korin Rosenkrans appeals the determination of the Division of Selection Services which found that she did not meet the minimum requirements in experience for the open competitive examination for Supervising Librarian (M3057H), Parsippany Troy Hills.

ACTION:

B-33 JAMES ROTONDA

James Rotonda appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education for the open competitive examination for Behavior Modification Program Technician (S0511H), State of New Jersey.

ACTION:

B-34 DONNA SAVACOOOL

Donna Savacool appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Program Support Specialist 1 (Assistance Programs) (PS6919K), Division of Disability Services, Department of Human Services.

ACTION:

B-35 DAWANA SWINNEY

Dawana Swinney appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Senior Therapy Program Assistant (PS8541K), North Jersey Developmental Center.

ACTION:

B-36 MARIANNE YOUNG

Marianne Young appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Fiscal Officer (PC1530G), Camden County Board of Social Services.

ACTION:

B-37 CAROL DILTS

Carol Dilts appeals her score on the promotional examination for Technician, Management Information Systems (PS2482A), Department of Agriculture.

ACTION:

B-38 ERIC HAUSMANN

Eric Hausmann appeals his score for the oral portion of the examination for the first level Fire Captain (PM3591F), Harrison.

ACTION:

B-39 LORETTA JAMES

Loretta James appeals her failing test score and requests a make-up for the promotional examination for Manager 1, Human Resources (PS6455I), Department of Corrections.

ACTION:

B-40 RANDY BELL

The Director, Division of Human Resource Management, on behalf of White Township, requests that Randy Bell's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Assistant Supervisor Roads, Township of White.

ACTION:

B-41 SUSAN BUDD

The Director, Division of Human Resource Management, on behalf of Warren County, requests that Susan Budd's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Assistant Program Coordinator, Aging, Warren County.

ACTION:

B-42 MICHAEL HAGAN, ET AL.

Michael Hagan, Fire Lieutenant (PM2503H), Gloucester City; Keith Bierwisch, John DeLuisi and John Horbacewicz, Fire Lieutenant (PM2505H) Irvington; Glenn Curtin, Lawrence Kolesa and Salvatore Principato, Fire Lieutenant (PM2507H), Linden; Abraham Pitre Jr. And John Rezes, Fire Lieutenant (PM2509H), Perth Amboy; Meter Scott, Fire Lieutenant (PM2512H), South Orange; and Frank Condello, Fire Captain (PM3503H), Asbury Park City; Joseph SanFelice II and Robert Whitehead, Fire Captain (PM3512H), Morristown; Stephen Wilkins, Fire Captain (PM3514H), Pleasantville; and Jeff Bettel, Thomas Belli, Joseph Byrne, Christopher Carnovale, Steven Coponi, Gregory Cort, Sean Gaynor, George Hesse, Robert Jaeger, Salvatore Maiorino, Scott Rechner, Kenneth Reitmeyer, Robert Ryan, Richard Smith, Angelo Tedesco, Jr., Michael Traino, Heidi Vanderhoof and Anthony Vecchio, Fire Captain (PM3518H), West Orange; appeal the correct responses to various questions on their respective promotional examination for Fire Lieutenant and Fire Captain.

ACTION:

B-43 JOHN LENGE

John Lenge, a Police Lieutenant with the Middletown Police Department, represented by Larry S. Loigman, Esq., appeals the opening of the Deputy Police Chief (PM3587G), Middletown Township examination to applicants who had completed their working test period.

ACTION:

B-44 HANSEL MOSES

Hansel Moses, represented by Ayanna K. Mishoe-Brooker, Esq., appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the eligible list for Police Officer (S9999F), East Orange, on basis of an unsatisfactory background report.

ACTION:

B-45 ALVAREZ TESTMAN

Alvarez Testman appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections, on basis of an unsatisfactory driving record.

ACTION:

B-46 MARIA PEREIRA

Maria Pereira, represented by Sydney H. Lehmann, Esq., petitions the Merit System Board for a determination of her entitlement to permanent status in the title of School Clerk with the Newark School District.

ACTION:

B-47 MICHAEL SHAFFERY

Michael Shaffery, represented by Valerie F. Avrin, Esq., appeals the decision of Human Resource Information Services, denying the appointing authority's request to record the appellant's appointment date as a Police Sergeant effective July 12, 2005.

ACTION:

B-48 EVERLENA SUMTER

Everlena Sumter, represented by Anthony Benevento, Esq., appeals the return to her permanent title of Assistant Supervisor of Resident Living, Developmental Disabilities, from her provisional appointment as an Assistant Supervisor of Professional Residential Services, Developmental Disabilities.

ACTION:

B-49 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of September 6, 2006 are submitted for adoption.

ACTION: